

THE ACT FOR AVOIDING WAGERS (AMENDMENT) ACT, 1865.

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**BOMBAY ACT No. III OF 1865.<sup>1</sup>**[THE ACT FOR AVOIDING WAGERS (AMENDMENT) ACT, 1865.]<sup>1</sup>

[31st July, 1865.]

Repealed in part, by Act 16 of 1895;

" " " " Bom. 3 of 1886.

**An Act to amend <sup>2</sup>Act XXI of 1848 (for avoiding wagers).**

WHEREAS it is expedient, so far as regards the Presidency of Bombay, to amend <sup>Preamble.</sup> Act XXI of 1848 (*for avoiding wagers*); It is enacted as follows:—

1. All contracts, whether by speaking, writing or otherwise, knowingly made to further or assist the entering into, effecting or carrying out agreements by way of gaming or wagering and all contracts by way of security or guarantee for the performance of such agreements or contracts shall be null and void; and no suit shall be allowed in any Court of Justice for recovering any sum of money paid or payable in respect of any such contract or contracts, or any such agreement or agreements as aforesaid. Contracts declared null and void.  
No suit allowed on such contracts.

2. No suit shall be allowed in any Court of Justice for recovering any commission, brokerage, fee or reward in respect of the knowingly effecting or carrying out, or of the knowingly aiding in effecting or in carrying out, or otherwise claimed or claimable in respect of, any such agreement by way of gaming or wagering or any such contract as aforesaid, whether the plaintiff in such suit be or be not a party to such last mentioned agreement or contract, or for recovering any sum of money knowingly paid or payable on account of any persons by way of commission, brokerage, fee or reward in respect of any such agreement by way of gaming or wagering or contract as aforesaid. Nor for commission or brokerage, etc., in respect of agreements by way of gaming or wagering.

3. No guardian, executor, administrator, heir or personal representative of any deceased person shall be entitled to or allowed credit in his accounts for or in respect of any payment by him on behalf of such deceased person (or in the case of a guardian, on behalf of any minor), in respect of any such agreement or agreements as are mentioned in section 1 of <sup>2</sup>Act XXI of 1848 or in respect of any such contract or contracts, commission, brokerage, fee or reward, or money paid or payable in respect thereof as are respectively mentioned in the first and second sections of this Act. Payments for which guardian and personal representative not to be allowed credit.

4. [Construction of Act.] *Rep. Act XVI of 1895.*5. [Number and gender.] *Rep. Bom. III of 1886.*

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1863, Supplement, p. 420; for Report of the Select Committee, see *ibid*, p. 485; and for Proceedings in Council, see *ibid*, pp. 407, 452, 505, and *ibid*, 1864, pp. 407 and 507.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

<sup>2</sup> Act 21 of 1848 was repealed by the Indian Contract Act, 1872 (9 of 1872), s. 1 but see the saving in that section, Central Acts.